

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL NO. 3:05CR277-28

UNITED STATES OF AMERICA

VS.

DONALD P. FONTENOT, JR.

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ORDER

THIS MATTER is before the Court *sua sponte* to continue the trial from the November 2005 term in the Asheville Division.

The Court finds that the Defendant's case "is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted," **18 U.S.C. § 3161(h)(7)**, and that failure to continue this matter would result in a miscarriage of justice. **18 U.S.C. § 3161(h)(8)(B)(i)**. The Court further finds that the ends of justice served by taking such action outweigh the best interest of the public and the Defendant to a speedy trial.

IT IS, THEREFORE, ORDERED that this case is hereby continued from the November 2005 term in the Asheville Division.

IT IS FURTHER ORDERED that this case be calendared for trial during the Court's January 30, 2006, term in the Statesville Division.

The Defendant and the Government are placed on notice that the Court will not grant any additional continuances of this matter.

Signed: November 5, 2005

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

